

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| -----X | | |
| | : | |
| HAROLD TOUSSAINT, | : | |
| | : | |
| Plaintiff, | : | |
| | : | 22 Civ. 10739 (LGS) |
| -against- | : | |
| | : | <u>ORDER</u> |
| JF RESTAURANTS, et al., | : | |
| | : | |
| Defendants. | : | |
| | : | |
| -----X | | |

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on October 29, 2023, Plaintiff filed an application to proceed without prepaying fees or costs. It is hereby

ORDERED that leave to proceed in this Court without prepayment of fees is authorized. *See* 28 U.S.C. § 1915.

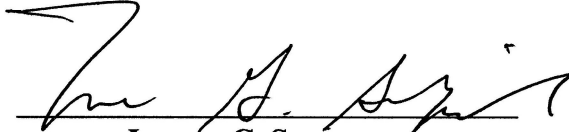
Litigants proceeding *in forma pauperis* (“IFP”) are entitled to assistance from the court in effecting service of process. *See Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendants, by **November 9, 2023**, counsel for Defendants shall file a letter stating whether they now consent to accept service and, if not, providing the addresses of where Defendants JF Restaurants, John Fraser and Amy Racine may be served. *See Valentin v. Dinkins*, 121 F.3d 72, 75-76 (2d Cir. 1997) (a pro se litigant is entitled to assistance from the district court in identifying a defendant to effect service of process). If Defendants do not consent to accept service, the Court will (1) direct the U.S. Marshals Service

to effect personal service and (2) impose on Defendants the costs of service by the U.S. Marshals Service. *See* Fed. R. Civ. P. 4(d) (defendants have “a duty to avoid unnecessary expenses of serving the summons”).

The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff.

Dated: November 6, 2023
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE